

FILED  
U.S. DISTRICT COURT  
2009 AUG 5

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
WAYCROSS DIVISION

2009 AUG 5 AM 10:25

CLERK R. Olex  
SO. DIST. OF GA.

RANDALL BARNES,

Plaintiff,

v.

ROBERT FRANKLIN and  
ANTHONY PERKINS,

Defendants.

CIVIL ACTION NO.: CV508-021

**MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff, an inmate formerly incarcerated at Men's State Prison in Hardwick, Georgia, filed the captioned action *in forma pauperis* seeking damages as a result of alleged violations of constitutionally protected civil rights. In this Court's Order dated March 4, 2008, Plaintiff was advised that he "... shall immediately inform this Court of any change of address. Failure to do so will result in dismissal of this case, without prejudice."

On June 29, 2009, the Clerk's office forwarded a copy of an Order to Plaintiff at Men's State Prison, the only address provided by plaintiff. That Order was returned by the United States Postal Service, with the notation "Released RTS" and "Return to Sender, Not Deliverable as Addressed, Unable to Forward." Plaintiff has not advised the Court of a change in his address, in violation of this Court's March 4, 2008, Order.

It is my recommendation that Plaintiff's complaint be dismissed, without prejudice, for want of prosecution, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

Link v. Wabash Railroad Company, 370 U.S. 626, 82 S. Ct. 1386, 8 L. Ed. 2d 734 (1962).

Based upon this recommended disposition of this case, Defendants' Motion for Summary Judgment should be dismissed as moot.

**SO REPORTED AND RECOMMENDED**, this 5<sup>th</sup> day of August , 2009.

  
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JAMES E. GRAHAM  
UNITED STATES MAGISTRATE JUDGE